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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,872	06/25/2003	Raj S. Roychoudhury	1294 US	2124

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KEY SAFETY SYSTEMS, INC.
PATENT DEPARTMENT
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EXAMINER

ENGLISH, PETER C

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,872

Applicant(s)

ROYCHOUDHURY, RAJ S.

Examiner

Peter C. English

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Specification

1. The specification is objected to because:
In paragraph 35, at line 15, "162" should be "164".
In paragraph 35, at line 27, "front" should be "hook".
In paragraph 35, at line 34, "retainer" should be "retainers".
Appropriate correction is required.

Claim Objections

2. Claims 2-14 and 19-25 are objected to because:
In claim 2, at line 1, "cover)" should be "cover".
In claim 6, at line 2, "cover airbag cover" should be "airbag cover".
In claim 6, at line 6, "stops" should be "stop portions". See claim 5.
In claim 14, at line 2, "are" should be inserted before "configured".
In claim 19, at line 2, "cover airbag cover" should be "airbag cover".
In claim 20, at lines 5 and 6, "member" should be inserted after "housing".
In claim 22, at line 1, "hooks)" should be "hooks".
Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, at line 3, "the airbag housing member" lacks proper antecedent basis. The examiner suggests: at line 1, change "a" to "an airbag".

In claim 6, at lines 3-4, "as the airbag is being coupled with the housing member" is inaccurate because the claim is directed to the coupling of the cover (not the airbag) to the housing member. The examiner suggests: at line 3, insert "cover" after "airbag".

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In claim 6, at line 5, "a leading edge" is indefinite because it is unclear how this element relates to the "leading edge" recited in claim 5, at line 4. The examiner suggests: in claim 6, at line 5, change "a" to "the".

In claim 8, at line 2, "the leading end" lacks proper antecedent basis. The examiner suggests that this be changed to "a leading end".

In claim 8, at line 3, "a ramp portion" is indefinite because it is unclear how this element relates to the "ramps" recited in claim 6, at line 2. The examiner suggests: in claim 6, at line 2, change "ramps" to "ramp portions"; and in claim 8, at line 3, change "a" to "the".

Claim 9 is indefinite because the language used therein is contradictory. Claim 9 defines each of the hooks as having both a "hook portion" and a "separate ramp portion spaced from the hook portion". A "hook" is by definition a single element and therefore cannot be accurately defined as having two separate and spaced apart elements.

In claim 15, at lines 6-7, "the housing member" lacks proper antecedent basis. The examiner suggests: at line 7, delete "member".

In claim 15, the method step recited in paragraph (c) is not a method step at all. The examiner suggests that the subject matter recited in paragraph (c) be included in paragraph (b) so as not to inaccurately suggest that a method step is defined thereby.

In claim 15, at line 16, "the fitting..." lacks proper antecedent basis.

In claim 15, at lines 16-17, "releasing the fitting of the cover over the housing" appears to be inaccurate. Since the hooks have already been engaged with the openings in the housing (see lines 15-16), it is inaccurate to subsequently state that the "fitting" of the cover over the housing is "released".

In claim 15, at line 17, "whereby as the cover is being tightly fit over the housing; wherein" is confusing and incomplete. Further, this language seems to contradict the earlier recitation at lines 16-17, which states that the fitting is released.

In claim 16, at line 1, "a leading edge" is indefinite because it is unclear how this element relates to the "leading edge" recited in claim 15, at line 14. The examiner suggests: in claim 16, at lines 1-2, change "cover has a leading edge having" to "leading edge has".

In claim 17, at line 6, "to couple the airbag with the housing member" is inaccurate because the claim is directed to the coupling of the cover (not the airbag) to the housing member. The examiner suggests: at line 63, insert "cover" after "airbag".

In claim 22, at line 3, "a ramp portion" is indefinite because it is unclear how this element relates to the "ramps" recited in claim 19, at line 2. The examiner suggests: in claim 19, at line 2, change "ramps" to "ramp portions"; and in claim 22, at line 3, change "a" to "the".

Claim 23 is indefinite because the language used therein is contradictory. Claim 23 defines each of the hooks as having both a "hook portion" and a "separate ramp portion spaced from the hook portion". A "hook" is by definition a single element and therefore cannot be accurately defined as having two separate and spaced apart elements.

In claim 25, at lines 1-2, "the airbag housing member" lacks proper antecedent basis. The examiner suggests: at line 1, delete the second occurrence of "airbag".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6, 14 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Lang et al. (US 5,520,411). Lang et al. discloses an air bag housing 20 having a plurality of cover attachment members 34 formed in one piece with the housing 20. In the embodiment of Fig. 5, the cover attachment members 34 include hooks 44 and retainers 38, 40 oriented toward each other. The retainers 38, 40 include stop portions 40 and lips 38. A cover 12 is pressed over the housing 20, sidewalls 16 of the cover 12 deform elastically as they ride over the hooks 44, the hooks 44 are then engaged in openings 18 in the sidewalls 16, and the retainers 38, 40 (see Fig. 1 in particular) retain leading edges 19 of the sidewalls 16 (see column 3, line 59 to column 4, line 2; and column 4, lines 28-41).

6. Claims 1-4, 14 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Nelson et al. (US 6,752,415). Nelson et al. discloses an air bag housing 12 having a plurality of hooks 48 and a plurality of retainers 10 formed in one piece with the housing 12, with the hooks 48 and retainers 10 being oriented toward each other. A cover 20 is pressed over the housing 12, sidewalls 56 of the cover 20 deform elastically as they ride over the hooks 48, the hooks 48 are then engaged in openings 40 in the sidewalls 56, and the retainers 10 retain leading edges of the sidewalls 56 (see column 5, line 42 to column 6, line 14). The housing 12 is formed by stamping (see column 7, lines 52-53).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-7, 10-12, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. (US 6,752,415) in view of Lang et al. (US 5,520,411). Nelson et al. lacks retainers having lips oriented toward the hooks. Lang et al. teaches an air bag housing 20 having a plurality of cover attachment members 34 formed in one piece with the housing 20. In the embodiment of Fig. 5, the cover attachment members 34 include hooks 44 and retainers 38, 40 oriented toward each other. The retainers 38, 40 include stop portions 40 and lips 38 oriented toward the hooks 44. From this teaching of Lang et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nelson et al. by providing the retainers with lips oriented toward the hooks because this provides lateral support for the sidewalls of the cover to enable the sidewalls to resist the lateral forces generated during air bag deployment (see Lang et al., column 3, line 65 to column 4, line 2).

With respect to claims 10 and 11, it would have been an obvious matter of design choice to modify Nelson et al. by choosing another well-known method of manufacture, such as

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molding or casting, because of the advantages associated with these methods, e.g., fewer resulting parts, lighter weight, etc.

Allowable Subject Matter

9. Claims 8, 9, 13 and 20-25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. Claims 15 and 16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

11. The following is a statement of reasons for the indication of allowable subject matter:

The prior art fails to teach a method of assembly, as defined in claim 15, wherein the leading edge of an air bag cover engages retainers and is compressed until openings in the cover receive respective hooks of a housing, and the cover is released so that the cover reacts against the retainers and expands between the hooks and retainers to capture the cover therebetween.

Conclusion

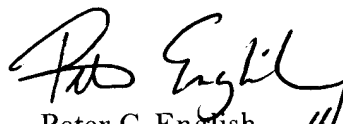
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ennis, Sasaki and Krebs et al. teach air bag cover attachments including opposed hooks and retainers.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. English whose telephone number is 571-272-6671. The examiner can normally be reached on Monday through Thursday (7:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Peter C. English
Primary Examiner
Art Unit 3616
4/12/05

pe
12 April 2005